

Serial No. 10/607,802  
Examiner: Bradford F. Fritz

### **REMARKS**

In the August 4, 2009 non-final office action, the Examiner took the following actions: (I) objected to the drawings under 37 CFR 1.84(i) and (II) rejected claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a) as being unpatentable over Summers (U.S. Patent No. 6,876,734) in view of Roseman (U.S. Patent No. 6,608,636) and further in view of Christofferson (U.S. Patent No. 7,006,616), Hales (U.S. Patent No. 6,288,739) and Jiang (U.S. Patent No. 6,167,432).

#### **I. Objection to the Drawings Under 37 CFR 1.84(i)**

Examiner states that FIG. 5 of the present application, as received by the United States Patent and Trademark Office, is diagonal and needs to be replaced. Hence, a replacement sheet is being filed herewith for FIG. 5 to cure this defect.

#### **II. Rejection Under 35 U.S.C. § 103(a)**

Claims 1-11, 13-21 and 23-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Summers in view of Roseman and further in view of Christofferson and Hales and Jiang.

Hales is cited as disclosing the limitation of "wherein an incarnation of the member administrator resides as the administrator in the avatar conference with all the capabilities that the member administrator has in the conference."

However, Hales does not in fact disclose a member administrator in the Avatar conference with all the capabilities that the member administrator has in the conference. The member administrator of the present application is defined as the one that creates, controls,

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names, adjourns and has a password for the conference. See Application, p. 9 and previously amended independent claims. However, the cited portion of Hales (column 14, lines 19-30) only discloses a system administrator that has the power to monitor all conferences (both the conference and the avatar conference), switching the output audio to and from one conference to the other or listening to them simultaneously. There is no mention that the system administrator of Hales has any capabilities of the member administrator of the present application. Hence, the system administrator of Hales is not the equivalent of the member administrator of the independent claims of the present invention. In fact, the system administrator of Hales has no capabilities other than the power to listen into multiple conferences. Moreover, combining Jiang which discloses an administrator with certain capabilities in a single conference with the system administrator of Hales which discloses an administrator without any abilities (other than the ability to listen in on two conferences at once) fails to render the claimed invention of the independent claims obvious.

In view of these remarks, claims 1, 50, 56, 63 and 71, and all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over the cited references (individually and in any combination) because they recite features, structure and/or function not present in, configured for being provided by, capable of being provided by or intended to be provided by any combination of the cited references. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to claims 1-11, 13-21 and 23-76 as being unpatentable over Summers in view of Roseman and further in view of Christofferson and Hales and Jiang is overcome and respectfully request the Office withdraw the rejection asserted against claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a).

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**CONCLUSION**

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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